

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. James K. Lewis Jr.

Docket No. 4:14-CR-10-1BO

Petition for Action on Probation

COMES NOW C. Lee Meeks, Jr., U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James K. Lewis Jr., who, upon an earlier plea of guilty to Lacey Act Trafficking Violation, in violation of 16 U.S.C. § 3372(a)(1), 16 U.S.C. § 3373(d)(1)(B), 50 C.F.R. Parts 697.7(b)(1), (2), (3), and (4), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on November 8, 2017, to 36 months probation under the conditions adopted by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On July 13, 2018, the probation officer conducted a home inspection at the defendant's residence in Gloucester, North Carolina. During the home contact, the probation officer advised the defendant that I had received information from local law enforcement indicating Lewis may possess a device designed to circumvent drug testing. When confronted with this information, the defendant denied the allegation. The probation officer then requested the defendant submit to urinalysis. While attempting to provide a urine sample, the probation officer observed the defendant making awkward movements in his attempts to produce a specimen. Next, the probation officer observed a blue plastic tip protruding from the defendant's pants. When I questioned Lewis about the plastic piece, he admitted to possessing a plastic bag containing another individual's urine in an attempt to circumvent drug testing. Lewis also admitted he recently used marijuana. The probation officer seized the urine device and obtained a urine sample which was packaged to be sent to the laboratory. The defendant apologized for his actions and reported he has been under a lot of stress since the unexpected death of his daughter in 2016 as the result of a traffic accident, the instant offense, and weekly issues with his employment as a commercial fisherman. On July 17, 2018, the urinalysis was confirmed positive for marijuana by the laboratory.

Based on the above information, the probation officer respectfully recommends the conditions of supervised release be modified to include drug aftercare. The defendant will be referred for a substance abuse assessment/treatment to address his ongoing stressors. Additionally, as a sanction for Lewis attempting to circumvent drug testing, the probation officer respectfully recommends the defendant serve a 3 day term of custody. A custodial sentence should serve as a deterrent to future violation conduct. It is also recommended that the device that was seized from the defendant be destroyed by the U.S. Probation Office.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 3 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

3. The device used to attempt to circumvent drug testing that was seized by the probation officer shall be destroyed.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ C. Lee Meeks, Jr.
C. Lee Meeks, Jr.
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-346-5105
Executed On: August 6, 2018

ORDER OF THE COURT

Considered and ordered this 15 day of August, 2018, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge